

**121.180 Request for exemption from campaign finance reporting requirements -- Reports required of committees and treasurers -- Penalties -- Use of campaign funds -- Prohibited uses -- Disposition of unexpended campaign funds -- Electronic reporting -- "No change since last report" designation.**

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, unless the candidate, slate of candidates, or political issues committee chair indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c)
  1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
  2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable

reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election. The filing of applicable required reports by a candidate or slate of candidates after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required and no penalty for exceeding the initial exempted amount shall be imposed against the candidate or slate of candidates, except for failure to file applicable reports required after the exempted amount is exceeded.

- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.
- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate

or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.

- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
  - (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
  - (k)
    - 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
    - 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
- 1. For each contribution of any amount made by a permanent committee,

the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;

2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
  3. The total amount of cash contributions received during the reporting period; and
  4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
  2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
  3. The total amount of cash contributions received during the reporting period; and
  4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If an individual gives a reportable contribution to a caucus campaign committee or

to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.

- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
  2. For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he or she is doing business, and the amount contributed by each contributor;
  3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2. of this paragraph or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
  4. The total amount of cash contributions received during the reporting

period; and

5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. Candidates as defined in KRS 121.015(8), slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and fundraisers which register in the year before the year an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. Candidates, slates of candidates, committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place;
  2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
  3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
  4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and
  5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.

- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer and the employer of the spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer, or if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
- (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
  - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
  - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
  - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar

quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.

- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit, or until the year before the candidate or a slate of candidates seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate or a slate of candidates shall file the supplemental annual report by December 1 of that year or at the end of the first calendar quarter of that year after the candidate or slate of candidates files nomination papers for the next year's primary or regular election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.
- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
  - (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
  - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and

- (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to further the candidacy of the person for a different public office, to support or oppose a different public issue, or to further the candidacy of any other person for public office; except that nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in the campaign account to purchase admission tickets for any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase does not exceed two hundred dollars (\$200) per event or affair. Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot. Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee, escheat to the State Treasury, be returned pro rata to all contributors, or, in the case of a partisan candidate, be transferred to a caucus campaign committee, or to the state or county executive committee of the political party of which the candidate is a member except that a candidate, committee, or an official may retain the funds to further the same public issue or to seek election to the same office or may donate the funds to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.
- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.
- (13) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- (14) All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (15) Filers who submit electronic campaign finance reports which are not readable, or cannot be copied, or are not accompanied by any requisite paper copy shall be deemed to not be in compliance with the requirements set forth in this section.

- (16) Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- (17) (a) On each paper and electronic form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
- (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 2, sec. 3, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 122, sec. 1, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 62, sec. 1, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 48, sec. 2, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 88, sec. 1, effective November 3, 2010; and ch. 124, sec. 1, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 129, sec. 12, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 105, sec. 8, effective March 16, 2005. -- Amended 2000 Ky. Acts ch. 398, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 599, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 106, sec. 1, effective July 15, 1996; ch. 153, sec. 7, effective July 15, 1996; ch. 252, sec. 2, effective January 1, 1997; and ch. 372, sec. 2, effective April 12, 1996. -- Amended 1994 Ky. Acts ch. 458, sec. 12, effective July 15, 1994. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 60, effective September 16, 1993. -- Amended 1992 Ky. Acts ch. 288, sec. 28, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 204, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 15, sec. 2, effective July 15, 1988; ch. 17, sec. 13, effective July 15, 1988; and ch. 341, sec. 46, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 100, sec. 7, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 111, sec. 70, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 292, sec. 8, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 5, sec. 2, effective June 17, 1978; ch. 216, sec. 1, effective June 17, 1978; ch. 255, sec. 2, effective June 17, 1978; and ch. 384, sec. 255, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 247, sec. 15; and ch. 279, sec. 1. -- Created 1974 Ky. Acts ch. 130, sec. 190.

**Legislative Research Commission Note (7/15/98).** Previous references to "subparagraph (k)1. or 2. of this subsection" in subsection (1) of this statute were not changed to "subparagraph (l)1. or 2." when the paragraphs of subsection (1) were relettered in 1998 Ky. Acts ch. 599, sec. 3, because of the addition of a new paragraph within the subsection. It is clear from context that this should have been done but that it was inadvertently overlooked. This omission has been corrected in codification under KRS 7.136(1)(e) and (h).